

REMARKS

1. The Rejection of Claims 1, 3-6, and 10-12 under 35 U.S.C. §102(b)

The Examiner has rejected Claims 1, 3-6, and 10-12 under 35 U.S.C. §102(b), based on the contention that they are anticipated by U.S. Patent No. 3,045,532, issued to Staunton.

Staunton '532. Applicant respectfully traverses the Examiner's rejections. As noted above, and solely to clarify the meaning of the present claims, Applicant has amended each of Claims 1, 3-6, and 10-12. As amended above, Applicant submits that all claims should now be in condition for allowance.

Specifically, independent Claim 1 has been amended to better clarify the structural makeup and relationship of the elements of the diffraction grating, and to remove the term "Littrow" from the claims. Although the Applicant and the Examiner could not reach an agreement as to the meaning within the art of the term "Littrow," the amended claim language reflects the intended meaning of that structural limitation. Among other things, Claim 1 has been amended to clarify that the two area sections of the counterflank "are arranged such that if parallel light, which has a direction of propagation perpendicular to the base flank, impinges onto the grating, the counter-flank is not exposed to this light." (sub-part iii, Amended Claim 1).

The amendments to Claim 1 are supported in the present disclosure, including in Fig. 1. As can be seen, the parallel light beams (9', 9'', 9''', and 10) in Fig. 1 have a direction of propagation perpendicular to the blaze flank 5. Furthermore, the two area sections (7, 8) of the counter flank (6) are not exposed to this parallel light. Thus, the newly amended claim language does not add any new matter to the application.

Such a structure is not shown in Staunton '532. Fig. 2 of Staunton '532 depicts a diffraction grating having sections 1-2, 2-3, and 3-1'. As was explained previously, if section 1-

2 of Staunton '532 is depicted as the blaze flank, parallel light with a direction of propagation perpendicular to the blaze flank would inevitably and infallibly impinge on the section 2-3 of the counter-flank. Similarly, if the section 3-1' were considered to be the blaze flank, then sub-element i) of Claim 1 could never be satisfied. Sections 1-2 and 2-3 would then be considered the counter-flank, but the border of the two sections is not lower than the lowest part of the blaze flank 3-1'.

Thus, as amended, Claim 1 is not taught or disclosed in Staunton '532. Since the present claim language now clearly defines a structure not shown in Staunton '532, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

2. Rejection of Claims 2, and 7-9 under 35 U.S.C. §103(a)

In addition to the above, the Examiner has rejected Claims 2, and 7-9 under 35 U.S.C. §103(a), based on the contention that they are obvious over one or more of Staunton '532, Staunton '532 in view of U.S. Patent No. 5,629,804, issued to Tomono (Tomono '804), and Staunton '532 in view of Tomono '804 and in further view of U.S. Patent No. 4,991,937, issued to Urino. Again, Applicant respectfully traverses the Examiner's rejections. Claims 2, and 7-9 have been amended above for clarity, and to conform with amended Claim 1.

Applicant submits that all of Claims 2, and 7-9 depend from Claim 1, which is now in allowable form. Therefore, Applicant submits that the rejection of Claims 2, and 7-9 under §103 is now moot, and respectfully requests withdrawal of the rejection.

3. Conclusion

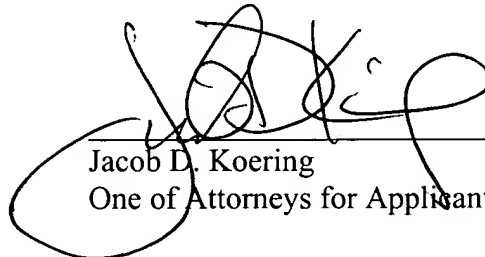
Based on the above, reconsideration and passage to allowance of Claims 1-12 is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818,
is respectfully invited.

Respectfully submitted,

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